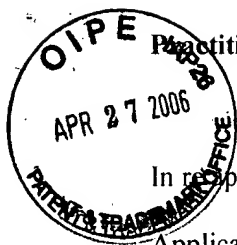


IFV 3624



Patitioner's Docket No. 2955/103

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Evelyn et al.

Application No.: 09/668,255

Group No.: 3624

Filed: 09/21/2000

Examiner: Colbert, Ella

For: System and Method for Pricing and Allocation
of Commodities or Securities

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF INCOMPLETE REPLY TRANSMITTAL

1. Transmitted herewith is a Response to the March 23, 2006, Notice of Incomplete Reply, a complete copy of the Amendment filed in the U.S. Patent & Trademark Office on January 18, 2006, and a copy of the return postcard dated January 20, 2006, confirming receipt of that Amendment.

STATUS

2. Applicant is a small entity.

EXTENSION OF TERM

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"
Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office. (703) _____

Signature

M. Brad Lawrence

(type or print name of person certifying)

Date: April 24, 2006

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation; although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		
TOTAL	48	— 74	= 0	x \$ 25.00	= \$	0.00	
INDEP.	3	— 3	= 0	x \$ 100.00	= \$	0.00	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$ 0.00	= \$	0.00	
				TOTAL ADDIT. FEE	\$	0.00	

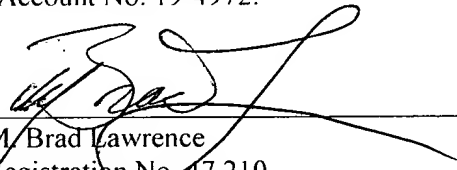
No additional fee for claims is required.

FEE DEFICIENCY

5. If an extension and/or fee is required, charge Account No. 19-4972.

If a fee for claims is required, charge Account No. 19-4972.

Date: April 24, 2006


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02955/00103 489198.1

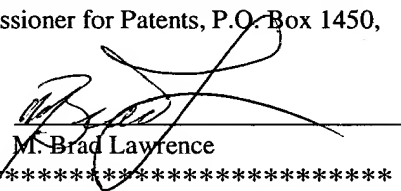


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Evelyn et al. Atty Docket: 2955/103
Serial No: 09/668,255 Art Unit: 3624
Date Filed: September 21, 2000 Examiner: Colbert, E.
Invention: **SYSTEM AND METHOD FOR PRICING AND ALLOCATION OF
COMMODITIES OR SECURITIES**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 24, 2006.


M. Brad Lawrence

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF INCOMPLETE REPLY

Dear Sir:

In response to the Office communication mailed March 23, 2006, which stated that Applicants' January 18, 2006 response to the office action mailed October 18, 2006, was not fully responsive, Applicants request reconsideration. In particular, Applicants believe the response filed January 18, 2006 was fully responsive. A copy of the complete response, as filed on January 18, 2006, is attached hereto and, as a courtesy, is also being faxed to the examiner's attention.

On April 18, 2006 the undersigned called the examiner in this case to discuss what he observed as missing from the response. During that conversation it became clear that the electronic copy of Applicants' response that the examiner was viewing did not have every

Application Serial No.: 09/668,255
Amendment dated April 24, 2006
Response to Office communication mailed March 23, 2006


page of the response as it was filed. As such, Applicants re-submit herewith a copy of the response as filed.

In addition, to address the point made by the examiner in the March 23, 2006, Office communication, claims 1-19 and 34-62 are pending in this application.

Conclusion

Applicants respectfully request that the examiner reconsider this application in view of all of the art. Applicants submit that the present application is in condition for allowance and early notice to that effect is respectfully solicited.

Respectfully submitted,



M. Brad Lawrence
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Attorney for Applicants

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(617) 443-9292

02955/00103 488287.1



Please Date Stamp and Return

The Commissioner for Patents has received from Bromberg & Sunstein LLP the following re:

Inventor:	Evelyn, Michael H.	Docket No.:	2955/103
Title:	Auction System & Method for Pricing and Allocation during Capital Formation	Art Unit:	3624
		Examiner:	Colbert, Ella
Serial/Patent No.:	09/668,255	Date:	January 18, 2006
Filing/Issue Date:	09/21/2000	Express Mail No.:	

Documents:

- | | |
|--|---|
| <input type="checkbox"/> New Application Transmittal | <input checked="" type="checkbox"/> Amendment Transmittal - 2 pages |
| <input type="checkbox"/> Provisional Application Cover Sheet | <input checked="" type="checkbox"/> Amendment (Preliminary) |
| <input type="checkbox"/> Description- pages | <input checked="" type="checkbox"/> Amendment - 17 pages |
| <input type="checkbox"/> Claims- pages | <input type="checkbox"/> IDS & References |
| <input type="checkbox"/> Abstract | <input type="checkbox"/> Petition for month extension |
| <input type="checkbox"/> Application Data Sheet | <input type="checkbox"/> Issue Fee Transmittal & Form PTOL-85b |
| <input type="checkbox"/> Request and Certification under 35 USC 115 (a) | <input type="checkbox"/> Payment of Maintenance Fee |
| <input type="checkbox"/> sheets of drawings | <input type="checkbox"/> Assignment/Recordation Form Cover Sheet |
| <input type="checkbox"/> <input type="checkbox"/> formal <input type="checkbox"/> informal | <input type="checkbox"/> Check in the amount of \$ |
| <input type="checkbox"/> Declaration & Power of Attorney | <input type="checkbox"/> Completion of Filing Requirements |
| <input type="checkbox"/> <input type="checkbox"/> executed <input type="checkbox"/> unexecuted | <input type="checkbox"/> Transmittal of Formal Drawings |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |

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